

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

David W. Adami and Heather L. Giglio, Co-Administrators of the Estate of Frederick J. Adami, Deceased

(b) County of Residence of First Listed Plaintiff Bucks

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Shanin Specter, Esquire and David K. Inscho, Esquire
Kline & Specter, P.C. 1525 Locust Street, Philadelphia, PA 19102
215-772-1000

DEFENDANTS

County of Bucks

County of Residence of First Listed Defendant Bucks

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Tort Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 1983

Brief description of cause:

Death of an inmate at Buck County Prison

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/20/2019

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____

Address of Defendant: _____ 55 _____

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:


Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/20/2019


Attorney-at-Law / Pro Se Plaintiff

90267

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | 1. Indemnity Contract, Marine Contract, and All Other Contracts |
| <input type="checkbox"/> | 2. FELA |
| <input type="checkbox"/> | 3. Jones Act-Personal Injury |
| <input type="checkbox"/> | 4. Antitrust |
| <input type="checkbox"/> | 5. Patent |
| <input type="checkbox"/> | 6. Labor-Management Relations |
| <input checked="" type="checkbox"/> | 7. Civil Rights |
| <input type="checkbox"/> | 8. Habeas Corpus |
| <input type="checkbox"/> | 9. Securities Act(s) Cases |
| <input type="checkbox"/> | 10. Social Security Review Cases |
| <input type="checkbox"/> | 11. All other Federal Question Cases |

(Please specify): _____

B. Diversity Jurisdiction Cases:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | 1. Insurance Contract and Other Contracts |
| <input type="checkbox"/> | 2. Airplane Personal Injury |
| <input type="checkbox"/> | 3. Assault, Defamation |
| <input type="checkbox"/> | 4. Marine Personal Injury |
| <input type="checkbox"/> | 5. Motor Vehicle Personal Injury |
| <input type="checkbox"/> | 6. Other Personal Injury (Please specify): _____ |
| <input type="checkbox"/> | 7. Products Liability |
| <input type="checkbox"/> | 8. Products Liability - Asbestos |
| <input type="checkbox"/> | 9. All other Diversity Cases |

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, David K. Inscho, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 05/20/2019


Attorney-at-Law / Pro Se Plaintiff

90267

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____

Address of Defendant: _____

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/20/2019



Attorney-at-Law / Pro Se Plaintiff

90267

Attorney I.D. # (if applicable)

CIVIL: (Place a √ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, David K. Inscho, counsel of record or pro se plaintiff, do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: 05/20/2019



Attorney-at-Law / Pro Se Plaintiff

90267

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

David W. Adami and Heather L. Giglio,
Co-Administrators of the Estate of
Frederick J. Admi, deceased
V.
County of Bucks, et al.

:
:
:
:
:
:

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (xx)



Telephone

FAX Number

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID W. W. ADAMI and HEATHER L.
GIGLIO,
CO-ADMINISTRATORS of the ESTATE
OF FREDERICK J. ADAMI, DECEASED



Plaintiffs

NO:

V.

COUNTY OF BUCKS
Bucks County Courthouse
555 East Court Street
Doylestown, Pennsylvania 18901

AND

BRIAN KIRCHER
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

PATRICK ROONEY
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

STEVEN COLUMBIA
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

C.O. KNONEBORG
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

LANGSTON MASON
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

TIMOTHY RICCI
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

DAVID W. GRESKO
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

PRIMECARE MEDICAL, INC.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

AND

MEDICAL JOHN DOES 1-10
c/o PrimeCare Medical, Inc.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

AND

CORRECTIONAL OFFICERS JOHN DOE 1-10
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

Defendants.

CIVIL ACTION COMPLAINT

Plaintiffs, David W. Adami and Heather L. Giglio, as Co-Administrators of the Estate of Frederick J. Adami, by and through their attorneys, Kline & Specter, alleges as follows:

1. This action arises from the death of Frederick J. Adami, a fifty-two-year-old father of four, who died as a result of the conduct of the Defendants in failing to monitor and treat him while going through heroin withdrawal at the Bucks County Correctional Facility, where he was being held on a minor infraction, allowing him to become sicker and sicker until he died in his cell under the Defendants' watch. Mr. Adami's death was a foreseeable and direct result of the conduct of the individual and institutional defendants who were aware of the insufficiency of their policies and procedures and had allowed multiple prior inmates to die of opioid withdrawal at the Bucks County Correctional Facility (herein "BCCF").

PARTIES

2. Plaintiff, David W. Adami, is the brother of Frederick J. Adami, deceased, and an adult resident of the Commonwealth of Pennsylvania, currently residing at [REDACTED]
[REDACTED]

3. Plaintiff, Heather L. Giglio, is the mother of Frederick J. Adami's youngest son, and an adult resident of the Commonwealth of Pennsylvania, currently residing at [REDACTED]
[REDACTED]

4. On July 12, 2018, Plaintiffs David W. Adami, and Heather L. Giglio were appointed the Administrators of the Estate of Frederick J. Adami, deceased. (See Short Certificate, attached hereto as Exhibit "A".)

5. Defendant, County of Bucks (herein "Bucks County"), is a county, political subdivision, and governmental entity in the Commonwealth of Pennsylvania, organized and

existing under the laws of the Commonwealth of Pennsylvania, with a principal place of business at Bucks County Courthouse, 555 East Court Street, Doylestown, Pennsylvania 18901.

6. Defendant, Brian Kircher (herein “Defendant Kircher”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Kircher is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at BCCF.

7. Defendant, Patrick Rooney (herein “Defendant Rooney”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Rooney is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at BCCF.

8. Defendant, Steven Columbia (herein “Defendant Columbia”), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Columbia is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at BCCF.

9. Defendant, C.O. Knoneborg, (herein “Defendant Knoneborg”) is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Knoneborg is a corrections officer

employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at BCCF. Defendant Knoneborg's first name is unknown at this time in the absence of complete discovery.

10. Defendant, Langston Mason (herein "Defendant Mason"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Mason is a Sergeant and supervisor of other corrections offices employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, was acting under color of state law and under the authority provided to him as a Sergeant at BCCF.

11. Defendant, Timothy Ricci (herein "Defendant Ricci"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Ricci is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at BCCF.

12. Defendant, David W. Gresko (herein "Defendant Gresko"), is an adult person and resident of the Commonwealth of Pennsylvania with a business address at 1730 South Easton Road, Doylestown, Pennsylvania 18901. Defendant Gresko is a corrections officer employed by the Bucks County Correctional Facility and/or Bucks County. At all times relevant hereto, was acting under color of state law and under the authority provided to him as a corrections officer at BCCF.

13. Defendant PrimeCare Medical, Incorporated (herein "PrimeCare"), is a corporation or other jural entity organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania and with a business address at 3940 Locust Avenue, Harrisburg, Pennsylvania. The claim asserted against this Defendant is for the professional negligence of its agents, ostensible agents, employees, and servants, and for its direct negligence as stated more fully herein. A Certificate of Merit pursuant to Pa.R.C.P. 1042.1 regarding the treatment, practice or work of this Defendant is attached hereto as Exh. "B."

14. At all times relevant hereto, Defendant PrimeCare was acting by and through their actual and/or ostensible agents, servants, and/or employees including Megan Hughes PA-C, Gabrielle Trusty, R.N., Deborah Buckman, R.N., Samantha Dunfee, R.N., M. Champlin, N.P., Victoria Gessner, M.D., and Arron Wright, R.N. and other physicians, nurses, therapists, technicians and/or medical practice personnel whose activities and conduct with regard to the medical care and treatment provided to Frederick J. Adami are presently known only to the Defendants, but not to the Plaintiffs, after reasonable investigation and in the absence of any discovery.

15. At all times material hereto, Defendant PrimeCare Medical was liable for the negligent acts and/or omissions of Megan Hughes PA-C, Gabrielle Trusty, R.N., Deborah Buckman, R.N., Samantha Dunfee, R.N., M. Champlin, N.P., Victoria Gessner, M.D., and Arron Wright, R.N. and other physicians, nurses, therapists, technicians and/or medical practice personnel whose activities and conduct with regard to the medical care and treatment provided to Frederick J. Adami are presently known only to the Defendants, but not to the Plaintiffs, after reasonable investigation and in the absence of any discovery under theories of agency, master-servant, respondeat superior and/or control or right of control.

16. At all times material hereto, PrimeCare and its actual and/or ostensible agents and/or employees and/or servants, as identified herein, were engaged in the practice of medicine and/or nursing, and were obligated to bring to bear in the practice of their respective professions the professional skill, knowledge, and care that they possessed, and to pursue their professions in accordance with reasonably safe and acceptable standards of medicine and nursing in general, and in their particular specialties.

17. At all times material hereto, Defendant, Bucks County, owned, operated, maintained, was responsible for, and/or otherwise controlled the Bucks County Correctional Facility.

18. At all times relevant to this Complaint, Defendant Medical John Does 1-10, were medical professionals employed by Defendant PrimeCare assigned to provide medical services at BCCF. Plaintiffs do not presently know the names of these defendants but will seek leave to amend the Complaint so as to name each appropriate defendant after discovery.

19. At all times relevant to this Complaint, Defendant Correctional Officers John Does 1-10, were correctional officers or supervisors employed by Defendant Bucks County to work at BCCF. Plaintiffs do not presently know the names of these defendants but will seek leave to amend the Complaint so as to name each appropriate defendant after discovery.

JURISDICTION AND VENUE

20. The Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as Plaintiffs' claims arise under the United States Constitution and 42 U.S.C. § 1983. The Court has supplemental matter jurisdiction over state law claims pursuant to 28 U.S. Code § 1367.

21. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1391(b) because one or more of the Defendants reside, in this district and all Defendants are residents of the Commonwealth of Pennsylvania and a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

OPERATIVE FACTS

22. The preceding paragraphs and allegations stated above are incorporated by reference as though fully set forth herein.

23. Prior to Frederick J. Adami's incarceration on January 27, 2018, policymakers in Bucks County and at PrimeCare, and specifically those in charge of the operation of the BCCF, were aware of the dangers to people suffering from opioid addiction entering the BCCF and specifically the dangers associated with not properly treating and monitoring people going through opioid detoxification.

24. The residents of Bucks County, like Frederick J. Adami, along with residents of many other communities in the United States, have been subjected to devastating public health epidemics of opioid addiction and overdose.

25. Policymakers in Bucks County and at PrimeCare knew prior to Frederick J. Adami's admission to the BCCF in January of 2018 that opioid and heroin addiction were chronic diseases that were directly detrimental to the community, and that opioid dependent or addicted persons were frequently biologically induced to act in an anti-social manner that may be totally inconsistent with the person's character.

26. Policymakers in Bucks County and at PrimeCare were aware that the behavior induced by chronic opioid and heroin addiction would bring individuals in contact with the criminal justice system and specifically BCCF.

27. Bucks County's Department of Corrections had reportedly spent \$20 million on expanding prison facilities in order to handle the increase in prisoners coming into the criminal justice system, which it related to the epidemic of opioid and heroin addiction. Further evincing a knowledge that the numbers of individuals afflicted with opioid and heroin addiction coming into the BCCF was increasing.

28. Policymakers in Bucks County represented that opioid and heroin addiction is a "number one priority" for Bucks County. The County has stated that its departments, agencies and employees, are working tirelessly, 24 hours a day, seven days a week trying to curb the epidemics and their destructive wake.

29. The Correctional Policymakers and officers in Bucks County and practitioners of correctional healthcare at PrimeCare should have been aware of these patterns of increased abuse of heroin and other opiate-based controlled substances and the effect on the BCCF population.

30. The Correctional Policymakers and officers in Bucks County and practitioners of correctional healthcare at PrimeCare should have been particularly attuned to patterns of heroin and opiate abuse due to the disproportionately high number of heroin and opiate abusers typically present in a correctional population.

31. The Correctional Policymakers and officers in Bucks County and practitioners of correctional healthcare at PrimeCare were or should have been aware of the significant medical issues presented in heroin users detoxifying from heroin due to sudden termination of their usage upon admission to a correctional facility.

32. Although withdrawal for heroin users when it takes place with proper monitoring and treatment, should not pose a serious medical risk to an individual, it was known or should have been known to policymakers in Bucks County and at PrimeCare that potentially fatal

medical consequences can result from the failure to properly monitor and treat people experiencing heroin /opioid withdrawal.

33. Monitoring and assessment is necessary to ensure that people experiencing heroin detoxification are not at risk for developing more serious medical consequences.

34. Despite knowing of the serious medical risks to people withdrawing from heroin and the representations by Bucks County that responding to opioid and heroin addiction is a number one priority, Bucks County and Prime Care failed to provide adequate policies, procedures, and practices in treating and monitoring inmates going through heroin and opiate withdrawal.

35. In September of 2013, Vallia Valene Karaharisis, a twenty-nine-year old woman died three days after being committed to the BCCF from "sudden death during heroin withdrawal."

36. In 2015, the family of Ms. Karaharisis, filed a Civil Action Complaint against, *inter alia*, Bucks County and PrimeCare for failure to monitor and treat Ms. Karaharisis during her heroin withdrawal resulting in her death.

37. Among the allegations made by the family of Ms. Karaharsis was that BCCF had a policy, practice and/or custom of correctional and medical staff assigning other inmates, referred to as "babysitters," the responsibility to monitor persons undergoing withdrawal, notwithstanding the fact that such "babysitters" have no training, medical or otherwise, concerning the risks of withdrawal.

38. Upon information and belief, following the death of Ms. Karaharsis and the settlement of the wrongful death action arising from her death, policymakers in Bucks County and at PrimeCare made no changes to their policies and practices for monitoring and treating

people suffering from opioid and heroin withdrawal.

39. On March 22, 2014, a forty-eight-year old woman, Marlene Yarnall died while experiencing heroin withdrawal at the BCCF.

40. In 2016, the family of Ms. Yarnal filed a wrongful death lawsuit against, *inter alia*, Bucks County and PrimeCare arising from her death. This civil action alleged that Bucks County and PrimeCare continued to lack adequate policies, procedures, and practices for the monitoring and care of people going through heroin withdrawal at BCCF.

41. Upon information and belief, following the death of Ms. Yarnal and the settlement of the wrongful death action arising from her death, policymakers in Bucks County and at PrimeCare made no changes to their policies and practices for monitoring and treating people suffering from opioid and heroin withdrawal at BCCF.

42. On or about Saturday January 27, at approximately 2:40 a.m., Frederick J. Adami was asleep in his car in the Wawa parking lot in Bensalem, Pennsylvania. Mr. Adami had recently used heroin.

43. A Bensalem police officer arrested Mr. Adami for possession of drug paraphernalia. He was taken to the Bensalem Police Station at or around 3:00 a.m.

44. At or about 6:00 a.m., Frederick J. Adami was transferred from the Bensalem Police Station to BCCF, allegedly because of a bench warrant issued one year earlier for failure to appear at the Domestic Relations Hearing.

45. Documents indicated that Frederick J. Adami was “booked” in at BCCF at 7:28 a.m. on January 27, 2018.

46. At or about 10:35 a.m. Nurse Dunfee conducted a screening of Frederick J. Adami.

47. According to medical records, Frederick J. Adami told Nurse Dunfee at or about 10:35 a.m. that he has an opioid addiction and that he used two bundles, or twenty bags, of heroin a day.

48. According to medical records, Frederick J. Adami told Nurse Dunfee at or about 10:35 a.m. he last used heroin, the day before and had used “a couple of bags.”

49. According to medical records, Frederick J. Adami told Nurse Dunfee at or about 10:35 a.m. that he was experiencing chills and vomiting.

50. Nurse Dunfee discounted Frederick J. Adami’s report of withdrawal symptoms of chills and vomiting, documenting in the medical record that “not witnessed by any COs while in reception.”

51. Nurse Dunfee recorded that Frederick J. Adami’s appearance, at or about 10:35 a.m. was “inappropriate” that is was stumbling and that he appeared very tired.

52. According to medical records, Guard Prendergast confirmed that Frederick J. Adami had been this way when he was booked, which according to records was 7:28 a.m.

53. At of around 10:35 a.m., Nurse Dunfee noted that Frederick J. Adami was going through Heroin Withdrawal.

54. According to medical records, Nurse Dunfee recorded that at 10:37 a.m., Frederick J. Adami had a blood pressure of 146/100. This is an elevated blood pressure.

55. At 12:15 p.m., Nurse Buckman, entered a record that Frederick J. Adami’s intake was reviewed, and no meds were ordered at that time. The records do not record that any medical provider saw Frederick J. Adami at or around 12:15 p.m. No vital signs were records at 12:15 p.m.

56. According to medical records, at or about 1:45 p.m., Nurse Dunfee entered a telephone verbal order from N.P. Champlin for withdrawal medications for Frederick J. Adami. The records do not record that any medical provider saw Frederick J. Adami at or around 1:45 p.m. No vital signs were records at 1:45 p.m.

57. There is no record of N.P. Champlin ever examining Frederick J. Adami.

58. According to medical records, at 1:46 p.m., orders for Bentyl three times daily, Bismuth two times daily as needed, Ondansetron three times daily, and Vistaril three times daily were entered by Nurse Dunfee. All of these medications were ordered to be administered orally, except for Ondansetron, which was either orally or intramuscularly. All of these ordered were entered under “prescriber” Dr. Gessner.

59. There is no record of Dr. Gessner ever examining Frederick J. Adami.

60. According to housing documents from the BCCF, Frederick J. Adami was assigned to the Cell 05 in Housing Unit A at 12:05 p.m.

61. Log entry by Defendant Kelly indicates that Frederick J. Adami came on to Module A at or about 12:36 and was assigned to Cell 5, bottom bunk.

62. At the time of his arrival on Module A, Defendants Kelly and Ricci were the assigned correctional officers.

63. At or about the time of his arrival on Module A, Frederick J. Adami was placed on an “Inmate Monitor List” indicating he was on watch for medical reasons, i.e. his withdrawing from opioids.

64. As an inmate on watch, it was required that Frederick J. Adami be observed and evaluated every fifteen minutes.

65. The policies and procedures at BCCF were for inmate monitors, referred to at BCCF as “babysitters,” to perform the watches and fifteen-minute checks on inmates.

66. The inmate “babysitters” were not trained in any way to monitor individuals with medical issues and not trained to monitor individuals going through opioid withdrawal.

67. In addition, to the required fifteen-minute checks, corrections officers were required to observe and evaluate inmates on watch every thirty minutes.

68. From the time he arrived at BCCF, Frederick J. Adami was in severe and worsening opiate withdrawal. According to Frederick J. Adami’s cellmate’s recorded statements, Frederick J. Adami was very sick from opiate withdrawal and was frequently vomiting throughout his time in Cell 05.

69. The guards assigned to Module A, failed to respond in any way to Frederick J. Adami’s severe and worsening opiate withdrawal.

70. The inmate “babysitters” who were delegated the responsibility for monitoring the health and welfare of Frederick J. Adami on Module A, despite no training or experience to perform such monitoring, failed to respond in any way to Frederick J. Adami’s worsening opiate withdrawal.

71. At or about, 2:00 p.m., Defendants Rooney and Kircher took over responsibility for Housing Module A, including monitoring of Frederick J. Adami.

72. According to the records from BCCF, Frederick J. Adami was in his cell from 2:45 p.m. on January 27 until the Defendant Ricci responded to his death at or about 6:35 a.m.

73. At or about 7:01 p.m., according to medical records, Nurse Wright gave Bentyl, Bismuth, Ondansetron, and Vistaril to Frederick J. Adami. All three of these medications were provided orally despite the noted history of vomiting.

74. At of about 7:53 p.m., Nurse Trusty recorded vital signs for Frederick J. Adami, including a blood pressure of 128/100 while standing and 130/96 while sitting.

75. Other than vital signs, no other record of Frederick J. Adami's condition was recorded at 7:53 p.m.

76. According to Frederick J. Adami's cellmate's recorded statements, he attempted to tell the nurses and guards on Housing Module A about Frederick J. Adami's condition, but they "blew him off."

77. The medications prescribed and reportedly given to Frederick J. Adami to treat his withdrawal symptoms were inadequate and ineffective.

78. At or about 10:00 p.m. Defendant Columbia took over responsibility for Housing Module A. During the 10:00 p.m. to 6:00 a.m. shift, Defendant Knoneberg took over responsibility for Housing Module A, when Defendant Columbia went on break.

79. According to Frederick J. Adami's cellmate's recorded statements, Frederick J. Adami had defecated and urinated on himself and vomited all night the night of Janaury 27-28.

80. According to Frederick J. Adami's cellmate's recorded statements, Frederick J. Adami complained of severe withdrawal symptoms and that no medications had helped him on the night of Janaury 27-28.

81. None of the guards on duty that night noted having any conversations with Frederick J. Adami checking on his well-being the night of January 27-28.

82. None of the inmate "babysitters" charged by Bucks County with monitoring Frederick J. Adami's health and well-being, had any conversations with Frederick J. Adami or checked on his well-being.

83. During the 10:00 p.m. - 6:00 a.m. shift, Defendant Columbia did not observe Frederick J. Adami at least every thirty minutes as required by BCCF Policy for inmates on watch.

84. During the 10:00 p.m. - 6:00 a.m. shift, rounds of the Module A were not conducted every thirty minutes as required by BCCF's Policy. During the shift rounds were documented in the log that were not performed.

85. According to BCCF records, Defendant Mason came to Module A for "unannounced rounds" at or about 3:10 a.m. on January 28. Defendant Mason did not attempt to lay eyes of Frederick J. Adami as part of his rounds. Defendant Mason did not do any rounding of Module A, he only spoke to the guards at the desk.

86. BCCF has security camera coverage of Housing Module A, including the outside of Cell 5, where Frederick J. Adami was assigned on January 27 and 28 of 2018.

87. On February 14, 2018, BCCF Warden Paul Lagana and Christopher A. Pirolli, Bucks County Director of Corrections were instructed of an obligation to preserve all video from January 27-28 relating to Frederick J. Adami.

88. In late February or early March, BCCF erased video footage of Module A from January 27 and 28, including video from January 27-28 of the outside of Frederick J. Adami's cell.

89. Because of BCCF's erasing video after being instructed to preserve it, there exists no video of the outside of Frederick J. Adami's cell after 7:17 p.m. on January 27.

90. At or about 6:00 a.m. on January 28, Defendants Ricci and Gresko took over responsibility for Housing Module A, relieving Defendant Columbia.

91. At or around 6:35 a.m., Defendant Ricci reportedly noticed that Frederick J. Adami was in his cell lying on his bunk with “his eyes open.” Defendant Ricci reportedly entered Cell 05. Shortly thereafter, an emergency was called.

92. At or about 6:37, additional guards and medical staff arrived and began performing CPR on Frederick J. Adami.

93. Emergency Medical Technicians arrived and transported Frederick J. Adami to Doylestown Hospital where he was declared dead. The time of death was recorded as 7:35 a.m.

94. An autopsy was performed following Frederick J. Adami’s death. The Bucks County Coroner concluded the cause of Frederick J. Adami’s death was “Sudden Death due to Opiate Withdrawal.”

95. As a direct and proximate result of Defendants’ unreasonable, unjustifiable and unconstitutional conduct, Frederick J. Adami was caused to suffer the following:

- a. Severe opiate withdrawal symptoms;
- b. Uncontrolled vomiting;
- c. Uncontrolled urination;
- d. Uncontrolled defecation;
- e. Cardiac arrest;
- f. Pain and suffering;
- g. Emotional distress;
- h. Mental anguish;
- i. Embarrassment;
- j. Disfigurement;
- k. Loss of life’s pleasures; and

l. Death.

96. Frederick J. Adami, deceased, left surviving him, the following persons who are beneficiaries under the Wrongful Death Act:

Thomas Adami, minor (son)

Maggie Marie Adami (daughter)

Molly Jane Partridge (daughter)

Greg Michael Gross (son)

97. As a result of the conduct of Defendants, as set forth herein, Frederick J. Adami, deceased, was caused grave injuries and death resulting in the entitlement to damages by the beneficiaries under the Wrongful Death Act.

98. Plaintiffs David W. Adami and Heather L. Giglio, Co-Administrators of the Estate of Frederick J. Adami, claim all expenses recoverable under the Wrongful Death Act, including but not limited to damages for medical, funeral and burial expenses and expenses of administration necessitated by reason of the injuries causing Frederick J. Adami's death.

99. On behalf of the Wrongful Death Act beneficiaries, the Co-Administrators claim damages for monetary support that decedent would have provided to the beneficiaries during his lifetime, including but not limited to, the support provided, or which could have been expected to have been provided to the beneficiaries.

100. On behalf of the Wrongful Death Act beneficiaries, the Co-Administrators claim damages for services provided of which could have been expected to have been performed in the future.

101. On behalf of the Wrongful Death Act beneficiaries, the Co-Administrators claim damages for all pecuniary loss suffered by the beneficiaries.

102. On behalf of the Wrongful Death Act beneficiaries, the Co-Administrators claim damages for all loss of consortium, comfort, society, guidance, and tutelage that the beneficiaries may have received from the decedent by the beneficiaries as a result of decedent's untimely death.

103. On behalf of the Wrongful Death Act beneficiaries, the Co-Administrators claim damages for the full measure of damages allowed under the Wrongful Death Act of Pennsylvania and the decisional law interpreting said Act.

104. Plaintiffs David W. Adami and Heather L. Giglio, Co-Administrators of the Estate of Frederick J. Adami, are entitled to bring this action on behalf of the Estate of Frederick J. Adami under and by virtue of the Survival Act, 42 Pa.C.S. §8302, and the applicable Rules of Civil Procedure and the decisional law interpreting said Act, which provide for the survivability of causes of action.

105. As a result of the conduct of all Defendants, set forth herein, Frederick J. Adami was caused grave injuries and death, resulting in the entitlement to damages by his Estate under the Survival Act.

106. As a result of the death of Frederick J. Adami, his Estate has been deprived of the economic value of his life expectancy, and Plaintiffs claim under the Survival Act, damages for all pecuniary losses suffered by the Estate as a result of his decedent's death, including all loss of income, earnings, retirement income, benefits and Social Security income.

107. Co-Administrators further claim, under the Survival Act, the total amount that the decedent would have earned in the future, minus the costs of personal maintenance.

108. Co-Administrators further claim, under the Survival Act, damages for the conscious pain and suffering endured by decedent prior to his death, including physical pain and suffering, and mental pain and suffering leading to decedent's death.

109. Co-Administrators further claim, under the Survival Act all damages recoverable pursuant to 42 Pa.C.S. §8302, and the decisional law interpreting said Act.

COUNT I – CIVIL RIGHTS- 42 U.S.C. § 1983

Plaintiffs David W. Adami and Heather L. Giglio, Co-Administrators of the Estate of Frederick J. Adami v. Defendants Kircher, Rooney, Columbia, Knoneborg, Mason, Ricci, Gresko, Bucks County, and PrimeCare, Medical John Does 1-10 and Correctional Officers John Does 1-10

110. The preceding paragraphs and allegations are incorporated by reference as though fully set forth herein.

111. Defendants in all of their actions and inactions described herein with regard to Frederick J. Adami were all acting under the color of state law.

112. Defendants were deliberately indifferent to Frederick J. Adami's serious medical needs and thereby violated Mr. Adami's right to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution.

113. Defendants herein deprived Frederick J. Adami of constitutional guaranteed liberty interest in violation of his right to due process of law under the Fourteenth Amendment to the United States Constitution.

114. Defendants were aware that Plaintiffs' decedent had a clearly established constitutional right to bodily integrity and right to medical care for serious medical needs at the time of Frederick J. Adami's death.

115. Defendants' conduct, as set forth above, demonstrates that the harm caused to Plaintiffs' decedent was a foreseeable and fairly direct result of Defendants' conduct.

116. Defendants' conduct, as set forth above, demonstrates that Defendants' acted with deliberate indifference and conscious disregard of the great risk of serious harm to Plaintiffs' decedent.

117. Defendants' conduct, as set forth herein, violated Frederick J. Adami's constitutional rights, as guaranteed by the United States and Pennsylvania Constitutions, and remediable under 42 U.S.C. § 1983.

118. As a direct and proximate result of Defendants' unreasonable, unjustifiable and unconstitutional conduct, Plaintiffs' decedent was caused to suffer the injuries described herein, including his death.

WHEREFORE, Plaintiffs demand judgment against Defendants, Kircher, Rooney, Columbia, Knoneborg, Mason, Ricci, Gresko, Bucks County, and PrimeCare, Medical John Does 1-10 and Correctional Officers John Does 1-10, and damages provided under the Pennsylvania Survival and Wrongful death acts, jointly and severally, together with attorney fees and costs, and pre- and post-judgment interest and any all relief available pursuant to 42 U.S.C. § 1983. **ARBITRATION STATEMENT.**

COUNT II – CIVIL RIGHTS

Plaintiffs David W. Adami and Heather L. Giglio, Co-Administrators of the Estate of Frederick J. Adami v. Defendant Bucks County

119. The preceding paragraphs and allegations are incorporated by reference as though fully set forth herein.

120. Defendants' conduct, as set forth above, evinces a violation of Plaintiffs' Decedent's constitutional rights, including those guaranteed by the Eight and Fourteenth Amendment to the United States' Constitution.

121. The conduct as set forth above demonstrates that Defendant Bucks County failed to properly train, and/or failed to have a proper policy regarding training correctional officers and medical providers on the appropriate treatment and monitoring of individuals experiencing opiate withdrawal, thereby depriving Plaintiffs' Decedent of his constitutional rights.

122. The conduct as set forth above demonstrates that Defendant Bucks County failed to properly supervise and/or monitor and/or failed to have a proper policy regarding supervising and/or monitoring, correctional officers and medical providers on the appropriate treatment and monitoring of individuals experiencing opiate withdrawal, thereby depriving Plaintiffs' Decedent of his constitutional rights.

123. The conduct as set forth above demonstrates that Defendant Bucks County maintained policies procedures and practices that it knew provided inadequate treatment and monitoring of individuals experiencing opiate withdrawal that had previously resulted in the deprivation of constitutional rights and the death of inmates undergoing opiate withdrawal. Despite this, Defendant failed to amend, revise, or replace these policies, procedures, and practices with appropriate policies, procedures, and practices thereby depriving Plaintiffs' Decedent of his constitutional rights.

124. The conduct set forth above indicates that Defendant Bucks County failed to enforce the written policies regarding correctional officers and medical providers treatment and monitoring of individuals experiencing opiate withdrawal, specifically requirements that they be observed every thirty minutes by corrections officers thereby depriving Plaintiffs' Decedent of

his constitutional rights.

125. The conduct as set forth above demonstrates that Defendant Bucks County failed to properly supervise and/or monitor, and/or failed to have a proper policy regarding supervising and/or monitoring correctional officers and medical providers on the appropriate treatment and monitoring of individuals experiencing opiate withdrawal, thereby depriving Plaintiffs' Decedent of his constitutional rights.

126. The conduct as set forth above demonstrates that Defendant Bucks County maintained policies procedures and practices that continued to delegate the responsibility for monitoring individuals with a serious medical need experiencing opiate withdrawal to inmate "babysitters" despite knowing that this practice resulted in the deprivation of constitutional rights and/or the death of inmates undergoing opiate withdrawal. Despite this, Defendant failed to amend, revise, or replace policies, procedures, and practices regarding delegating responsibility for monitoring individuals experiencing opiate withdrawal to inmate "babysitters" with appropriate policies, procedures, and practices thereby depriving Plaintiffs' Decedent of his constitutional rights.

127. The conduct as set forth above demonstrates that Defendant Bucks County failed to properly train inmate "babysitters" in monitoring individuals experiencing opiate withdrawal, thereby depriving Plaintiffs' Decedent of his constitutional rights.

128. The above-referenced actions are outrageous, egregious, and conscience-shocking, and rise to a level of intention to cause harm.

129. As a direct and proximate result of Defendant's unreasonable, unjustifiable and unconstitutional conduct, Plaintiffs' Decedent was caused to suffer the injuries including death.

WHEREFORE, Plaintiffs demand judgment against Defendant Bucks County and damages provided under the Pennsylvania Survival and Wrongful death acts, jointly and severally, together with attorney fees and costs, and pre- and post-judgment interest and any all relief available pursuant to 42 U.S.C. § 1983. ARBITRATION STATEMENT.

COUNT III – State Law Medical Negligence

Plaintiffs David W. Adami and Heather L. Giglio Co-Administrators of the Estate of Frederick J. Adami v. Defendant PrimeCare

130. PrimeCare and its employee medical providers including Megan Hughes PA-C, Gabrielle Trusty, R.N., Deborah Buckman, R.N., Samantha Dunfee, R.N., M. Champlin, N.P., Victoria Gessner, M.D., and Arron Wright, R.N. and Medical John Does 1-10 had a duty to comply with generally accepted medical standards of care in their medical treatment of Frederick J. Adami.

131. Defendant PrimeCare, Inc., had a duty to establish policies, practices and procedures to ensure that inmates admitted to BCCF and undergoing opiate withdrawal, like Frederick J. Adami, received proper treatment and monitoring.

132. Defendant PrimeCare through its agents described herein violated its duty of care to Frederick J. Adami and provided care that was below applicable standards of care for monitoring and supervising inmates going through opiate withdrawal.

133. PrimeCare's violation of their duty of care to Frederick J. Adami was a direct and proximate cause and a substantial factor in bringing about Frederick J. Adami's death.


DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury as to all counts and all issues raised by this Complaint.

Respectfully submitted,

KLINE & SPECTER

BY:



SHANIN SPECTER, ESQUIRE
DAVID K. INSCHO, ESQUIRE
1525 Locust Street, 19th Floor
Philadelphia, Pennsylvania 19102
215-772-1000
Attorneys for Plaintiff

Date: May 20, 2019

EXHIBIT “A”




DONALD PETRILLE, JR., ESQUIRE
Bucks County Register of Wills and Clerk of the Orphans' Court
Administration Building, 55 E. Court Street, Doylestown, PA 18901

SHORT CERTIFICATE

Commonwealth of Pennsylvania :
County of Bucks : ss

I, DONALD PETRILLE, JR., ESQUIRE, Register of Wills in and for the County of Bucks, in the Commonwealth of Pennsylvania, DO HEREBY CERTIFY that on the 12th day of July 2018, LETTERS OF Administration on the Estate of Frederick J. Adami deceased, were granted to DAVID W. Adami and Heather L. Giglio having first been qualified well and truly to administer the same. And, I further certify that no revocation of said Letters appears of record in my office.

Date of Death: January 28, 2018
Social Security No 207-60-4625

Given under my hand and seal of office this
12th day of July, 2018.

DONALD PETRILLE, JR., ESQUIRE
REGISTER OF WILLS

NOT VALID WITHOUT SIGNATURE AND IMPRESSED SEAL

EXHIBIT “B”

DAVID W. W. ADAMI and HEATHER L. GIGLIO,
CO-ADMINISTRATORS of the ESTATE
OF FREDERICK J. ADAMI, DECEASED
24 Quaint Road
Levittown, Pennsylvania 19057

Plaintiffs

NO:

V.

COUNTY OF BUCKS
Bucks County Courthouse
555 East Court Street
Doylestown, Pennsylvania 18901

AND

BRIAN KIRCHER
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

PATRICK ROONEY
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

STEVEN COLUMBIA
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

C.O. KNONEBORG
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

LANGSTON MASON
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

TIMOTHY RICCI
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

DAVID W. GRESKO
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

AND

PRIMECARE MEDICAL, INC.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

AND

MEDICAL JOHN DOES 1-10
c/o PrimeCare Medical, Inc.
3940 Locust Avenue
Harrisburg, Pennsylvania 17109

AND

CORRECTIONAL OFFICERS JOHN DOE 1-10
c/o Bucks County Correctional Facility
1730 South Easton Road
Doylestown, Pennsylvania 18901

Defendants.

CERTIFICATE OF MERIT AS TO DEFENDANT
PRIMECARE MEDICAL, INC.

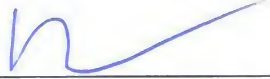
I, David K. Inscho, Esquire, hereby certify that:

- ☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by this defendant in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- ☒ An appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by other licensed professionals for whom this defendant is responsible in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.
- ☒ The claim that this defendant deviated from an acceptable professional standard is based on allegations that other licensed professionals for whom this defendant is responsible deviated from an acceptable professional standard and an appropriate licensed professional has supplied a written statement to the undersigned that there is a basis to conclude that the care, skill or knowledge exercised or exhibited by the other licensed professionals in the treatment, practice or work that is the subject of the complaint, fell outside acceptable professional standards and that such conduct was a cause in bringing about the harm.

☐ Expert testimony of an appropriate licensed professional is unnecessary for prosecution of the claim against this defendant.

KLINE & SPECTER

BY:



SHANIN SPECTER, ESQUIRE
DAVID K. INSCHO, ESQUIRE
1525 Locust Street, 19th Floor
Philadelphia, Pennsylvania 19102
215-772-1000
Attorneys for Plaintiff

Date: May 20, 2019